



**\*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

JUN 01 2016

SPECIAL ORDINANCE FOR A REZONING  
SPECIAL ORDINANCE NO. 14, 2016

CITY CLERK

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, as follows:

SECTION 1. That Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

"That the following described real estate situated in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lot Number 64 in Sheridan Park, a Subdivision in the Northeast Quarter of Section 14, Township 12 North, Range 9 West as per Recorded in the Recorder's Office of Vigo County, Indiana

Commonly known as: 1601 N. 25<sup>th</sup> Street. Terre Haute, Indiana 47804.

Be and the same is hereby established as a R-1, Planned Development, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise except as specifically authorized under the terms of this Ordinance."

That the real estate described shall be a Planned Development in a R-1, Single-Family Residence District as the same is defined in the Comprehensive Zoning Ordinance for the City of Terre Haute, Indiana, subject to the terms and conditions set forth herein.

- (a) That the real estate shall be used as a single family dwelling with a home occupation of a beauty salon.
- (b) The real estate shall be subject to the following:
  - a. That in the event said Planned Development becomes void, and
  - b. That the rights granted herein shall be transferable, and
  - c. That said Planned Development shall be recorded in the Vigo County Recorders Office within ninety (90) days of approval
- (c) That the owners have met all the criteria determined by the Area Plan Commission and by the City of Terre Haute, Indiana that a hardship does exist due to lack of parking and that a Planned Development as set forth herein is hereby approved and will be in the public's best interest and in the interest of the neighborhood.

SECTION II, WHEREAS, the Area Planning Commission has considered a petition filed pursuant to General Ordinance No. 8, 1982 (Planned Development) being Section 10-111, and

WHEREAS, a public hearing has been held pursuant to Section 10-263 of Said Ordinance and the owners of the real estate described have demonstrated to the Common Council evidence that a hardship exists pursuant to Section 10-112 of said Ordinance and that the Planned Development will not adversely affect public health, safety, and the general welfare.

BE IT ORDAINED BY THE COMMON COUNCIL of the City of Terre Haute, Indiana that the owners of the real estate described have demonstrated that a hardship does exist for the use of said real estate and that the Common Council of the City of Terre Haute now determines that a hardship does exist and specifically authorized and approved the use of the real estate described as R-1, Planned Development as described in this Ordinance, under the terms and conditions set forth herein, and further finds and

AMENDED PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, **Pete Jr. Burns**, respectfully submits this Amended Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

**Lot Number 64 in Sheridan Park, a Subdivision in the Northeast Quarter of Section 14, Township 12 North, Range 9 West as per Recorded in the Recorder's Office of Vigo County, Indiana.**

Commonly known as: **1601 N. 25<sup>th</sup> Street, Terre Haute, Indiana 47804.**

Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as **R-1 Planned Development**.

Your Petitioner would respectfully state that the real estate is now a single family house. Your Petitioner intends on selling said property to Constance Cown to be used as a place of residence and a 1 person small beauty salon. This sale is contingent on whether parking can be made available thru this plan development as there is only one (1) parking spot on the property at this time. Mrs. Cown intends on using her salon not only as a source of income but to establish an outreach for those who are in need of grooming services for employment or education purposes. This is a practice that she has done for years and being from that neighborhood growing up she hopes to give back to the community.

Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

Your Petitioner would request that the real estate described herein shall be zoned as a **R-1 Planned Development with a Single Residence containing a Home Occupation**. Your petitioner would allege that the **Neighborhood Commerce District** would not alter the general characteristics of this neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the **R-1 SingleFamily Residence District Planned Development** of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNES WHEREOF, This petition has been duly executed this 31st day of May, 2016.

BY: *Pete Jr Burns*  
Pete Jr. Burns

PETITIONER: **Pete Jr. Burns, 4595 North Brighton Street, Terre Haute, IN 47805**

determines that the proposed use described will be in the public interest and that substantial justice will be done.

SECTION III WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, \_\_\_\_\_  
Karrum Nasser, Councilperson

Passed in Open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2016 \_\_\_\_.

\_\_\_\_\_  
Todd Nation-President

ATTEST: \_\_\_\_\_

Charles P. Hanley, City Clerk

Presented by me to the Mayor of the City of Terre Haute this \_\_\_\_\_ day of \_\_\_\_\_  
2016 \_\_\_\_.

\_\_\_\_\_  
Charles P. Hanley, City Clerk

Approved by me, the Mayor, this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_  
Duke A. Bennett, Mayor

ATTEST: \_\_\_\_\_

Charles P. Hanley, City Clerk

This instrument prepared by:

Martha J. Burns, 4595 North Brighton Street. Terre Haute, IN 812-466-4001

Pete Jr. Burns 4595 North Brighton Street. Terre Haute, IN 812-466-4001

Constance Cown 3021 N.11<sup>th</sup> Street. Terre Haute, IN 812-241-7012

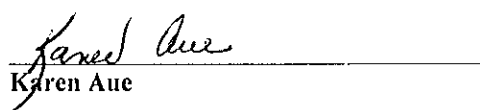
Karen Aue 3021 N.11<sup>th</sup> Street. Terre Haute, IN 812-232-8910

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in the document, unless required by law.

  
Martha J. Burns

  
Pete Jr. Burns

  
Constance Cown

  
Karen Aue

This instrument was prepared by Martha J. Burns, 4595 North Brighton Street, Terre Haute IN 47805

**AFFIDAVIT OF:**

COMES NOW affiant Pete Jr. Burns

and affirms under penalty of law that affiant is the owner of record of the property located  
at 1601 N.25<sup>th</sup> Street Terre Haute, IN 47804

for which a rezoning is requested and hereto a copy of the deed is attached evidencing such  
ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

Pete Jr. Burns  
[Typed name of owner(s) on deed]

SIGNATURE: Pete Jr. Burns

SIGNATURE: \_\_\_\_\_

STATE OF INDIANA)  
SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo County, Indiana

who acknowledges the execution of the above and foregoing, after being duly sworn upon his  
oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 1<sup>st</sup> day of June, 2016.

Notary Public:

Jacqueline Price  
[Typed name] Jacqueline Price

My Commission Expires: August 20, 2018

My County Of Residence: Vigo County